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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,215	05/15/2001	Sid Haddad		3058

7590

04/24/2003

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EXAMINER

JASMIN, LYNDIA C

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,215

Applicant(s)

HADDAD, SID

Examiner

Lynda C Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 4, 6, 7, 16, 17 and 24 are objected to because of the following informalities:

in claims 4, 6, 7 and 16, at line 11, the term "n" should be --and-- after "balance"

in claim 17, at line 2, the term "dervice" is misspelled

in claim 24, at line 5, the term "aurhorization" is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 1, the term "the secure online purchase" lacks proper antecedent basis. At line 8, the term "the debit account balance" lacks proper antecedent basis.

In claims 4, 6, 7 and 16 the recited limitation "an online buyer member transaction section to receive credit/deposit transactions from individual buyer member processors and credit the corresponding current account balance n the buyer member account balance data section and to transfer the credit/deposit transaction and

purchasing transaction data to an off line buyer member data section to maintain individual buyer member credit/deposit and purchase histories, and to effect merchant vendor payments to merchant vendors through said corresponding merchant vendor processor upon receipt of a discrete buyer member authorization from said buyer member account balance data section on online buyer member transaction section.” renders these claims indefinite since the limitation appears to be incomplete.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28⁴ are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (6,282,522 B1), in view of Rose et al. (5,757,917).

As best understood, Davis et al. discloses a network communication electronic commerce system for the secure online purchase of goods and services from a plurality of merchant vendors by a plurality of buyer members including: a buyer member processor (via 204) for each buyer member to selectively purchase goods and services upon a request to any of the merchant vendors (208) through a debit account (stored value card) (col. 15, lines 32-36), a merchant vendor processor (via 208) for each merchant vendor to selectively provide such goods and services upon receipt of a purchase request and validation of the debit account balance of any requesting buyer

members (via merchant code module; col. 18, lines 47-60), a purchase authorization processor (via 206) to maintain and validate the debit account of requesting buyer members and to authorize payment to merchant vendors for goods and services purchased through the network communication electronic commerce system (col. 17, lines 12-65).

Further, the buyer member processor (204) has means (via 234) to selectively order or request goods and services from a merchant vendor through the merchant vendor processor (208) and to communicate (via 236) with the purchase authorization processor (206) to maintain and access the buyer member account. The merchant vendor processor (206) has a means to receive purchase requests from a buyer member processor (via 234) and to generate and transmit validation/authentication inquiries upon receipt of purchase requests to the purchase authorization processor (via 238) and to receive discrete buyer member authorization message in response thereto and to fill purchase requests upon receipt of the corresponding discrete buyer member authorization message and receive payment therefore (col. 14, lines 4-25).

Davis further discloses the purchase authorization processor (206) has means including an online buyer member account balance data section (via secure card 220) to maintain current account balances for each buyer member and to selectively generate discrete buyer member authorization messages fed to the merchant vendor processor when the account balance of a requesting buyer member is sufficient to cover the goods or services requested and to notify the buyer member processor of the purchase authorization (col. 11, lines 48-67). Davis et al. further discloses online buyer

member may purchase complete card with stored-value or the buyer may later add value to the card.

Davis et al. also discloses the purchase authorization is implemented through a central function through a central clearing organization to authorize the merchant vendor having a corresponding merchant vendor processor to sell goods and services to requesting buyer members (col. 7, lines 15-25). Each buyer member establishes a debit account by depositing an amount with the central clearing organization (col. 7, lines 33-35), wherein the deposit is made online through the buyer member processor (since the card may be a virtual card).

Davis et al. however, fails to explicitly disclose that the debit account is associated with a discrete e-mail address.

Rose et al. discloses a computerized payment system with the concept of having a debit account (100) associated with a discrete e-mail address (104). The buyer (20) is assigned a unique e-mail address for each buyer member account is associated only with unique e-mail address (col. 5, lines 54-56).

From this teaching of Rose et al. it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modify Davis et al. to include the unique buyer email address as taught by Rose et al. for validation purposes. Payment request message can be immediately send the buyer over the Internet via email to verify buyers card number.

As per claims 18-21, Davis et al. further discloses the purchase authorization processor includes an off-line buyer data base (via security cards 218) to prove that

incoming debit command is a valid command from a real security card and ensure that the stored card of the buyer member is debited, that the financial totals in the security card are updated (col. 17, lines 1-16). Further, the off-line buyer member data base includes means to determine the specific amount to be paid each merchant vendor for each product or service purchased by buyer members after deducting a clearing charge for the corresponding purchase (via step 518). In another embodiments, Davis et al. discloses memory to maintain both account and purchase histories of each buyer member off line to further protect purchasing habits and account funds of the buyer member (via keeping a record of frequent flyer miles and award point).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doggest et al. (5,677,955), Watson (5,991,750), Linehan (6,327,578 B1), Messner (2001/00519002 A1), Keresman, III et al. (2002/0046169 A1), Cockrill et al. (6,473,740 B2) are cited art of interest.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda C Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

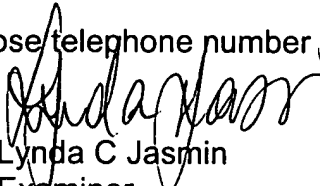
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305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.



Lynda C Jasmin
Examiner
Art Unit 3627

lj
April 21, 2003